

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiffs

v.

COMMONWEALTH OF PUERTO RICO, et al.  
Defendants

CIVIL NO.: 12-2039 (GAG)

**PUERTO RICO POLICE DEPARTMENT'S SECOND STATUS REPORT PURSUANT  
TO REQUIREMENT 261 OF THE AGREEMENT FOR THE SUSTAINABLE REFORM**

TO THE HONORABLE COURT:

COMES NOW, the Puerto Rico Police Department (PRPD) through the undersigned counsel and respectfully states as follows:

**I. INTRODUCTION**

1. The Agreement for the Sustainable Reform of the Puerto Rico Police Department” (hereinafter referred to as the “Agreement”) states in its pertinent part that, beginning with the Technical Compliance Advisor’s first six-month report, PRPD shall file with the Court sealed and unsealed versions of a status report. Therein, PRPD will delineate the steps taken during the review period to implement the Agreement, an assessment of the status of its progress, and any response to concerns raised in prior Technical Compliance Advisor’s reports. (See Requirement 261).

2. In compliance with Requirement 261 of the Agreement a second status report and an assessment for each one of the areas of compliance is provided below. This report includes the reform progress from December 1st, 2014 to May 1st, 2015.

## **II. PROGRESS REPORT**

### **A. General Matters**

3. *Reform Office:* The PRPD Reform Office continues under the direction of the Lieutenant Colonel Clementina Vega Rosario. There are thirty nine (39) PRPD employees working in the Reform Office, including twenty-eight (28) PRPD members of different ranks, three (3) civilian employees, three (3) attorneys, three (3) contractors for professional services, one (1) reservist, and one (1) budget and financial analyst from the Office of Management and Budget working full time for the Reform Office.

4. *Reform Office Policy:* On April 15, 2015, the Superintendent signed General Order Chapter 100, Section 111 titled "Creation of the Functional Organization of the Reform Office". This policy defines and place the Reform Office as a primary unit within the organizational structure of the PRPD, responding directly to the Superintendent. The policy included recommendations provided by the Technical Compliance Advisor (TCA)

5. *Action Plans:* PRPD has been revising the first set of Action Plans that were provided to the TCA on September 4, 2014. As part of the collaboration efforts with the TCA and the United States Department of Justice (DOJ), PRPD was able to meet this objective in accordance to their recommendations. The revised version of the Action Plans will be provided to the TCA and DOJ on May 7, 2015.

6. *Equipment:* PRPD acquired one plane that will assist in safety surveillance. PRPD also acquired and distributed one hundred (100) Harley Davidson motorcycles to PRPD members. Ten (10) of those motorcycles were given to women PRPD officers that were certified and expressed interest in these vehicles. Furthermore, PRPD developed a plan to acquire and provide women PRPD members with custom made bulletproof vests specially created for women

that will allow them to be more comfortable and safe. PRPD will start to distribute these vests in the metropolitan area in May, 2015.

7. *Renovations in the PRPD Headquarters*: PRPD finished the renovation of the Amphitheater located in the Ninth Floor of the PRPD Headquarters in San Juan. PRPD installed new audiovisual equipment, carpets, and chairs that will allow a more comfortable room for training. This Amphitheater has the capacity for two hundred (200) persons.

#### **B. Zones of Excellence (ZOE's)**

8. *"Operations Manual for the ZOE's"*: PRPD drafted a manual to standardize the administrative and operational processes for the ZOE's, with the assistance of our consultants Warsaw & Associates. Said manual is going through its final review in order to be approved.

9. Training progress of the ZOE's is shown in the following table:

	Total PRPD Members	Impact Weapon Training	Service Weapon Training	PRPD Members with Email Accounts	Use of Force	Electronic Control Weapon Training	Reform Orientation
Bayamon Oeste Precinct	109	104	107	100	95	78	100
Utua District	39	39	37	39	39	39	38
Quebradillas District	46	41	40	45	44	45	32
Las Piedras District	38	37	37	38	31	37	37
<b>TOTAL</b>	<b>232</b>	<b>221</b>	<b>221</b>	<b>217</b>	<b>209</b>	<b>198</b>	<b>196</b>

### **III. COMPLIANCE AREAS**

#### **A. Professionalization (Chapter III of the Agreement)**

10. *Police Ethics*: On April 23, 2015, the Superintendent signed the policy "Code of Ethics for PRPD members". This policy was approved by the TCA and was created to promote respectful, ethical, and professional services from PPRD members to the public. Training to the

task forces on this Code will be completed by June 5, 2015. The recently graduated cadets' class 223 were trained on police ethics using the best police practices. On April 22, 2015, the entire personnel of the Reform Office was trained on police ethics by attorney Hiram Morales, a former Director of the Office of Ethics Governance.

11. *Government Ethics*: The Superintendent of the PRPD and the Executive Director of the Office of Government Ethics reached a Collaborative Agreement between the two (2) agencies on March 16, 2015 to unite efforts and promote the exchange of opportunities for training, technical assistance and other support activities for PRPD employees to promote compliance with the Agreement for Sustainable Reform of the PRPD. Also, the PRPD created a Central Ethics Committee and an Auxiliary Committee for each one of the six (6) Deputy Superintendences comprising the current organizational structure of the PRPD in compliance with article 2.5 of the Act 2-2012 "Law of Government Ethics of Puerto Rico". This Committee ensures that all PRPD employees are trained on ethics and for the implementation of administrative controls to prevent and discourage ethical violations and corruption as well.

12. *Vacant Positions within the ranks*: The PRPD obtained a favorable legal opinion from the Puerto Rico Department of Justice (PRDOJ) as to the applicability of Article 9 of the Puerto Rico Act 66-2014 "Special Law for the Fiscal and Operational Sustainability of the Commonwealth of Puerto Rico" that prohibits the occupation of vacant positions. PRDOJ indicated that while the Law no. 66 applies to the PPRD, Article 9 of that statute allows an agency, by way of exception because of the existence of the ranking system within the PRPD, to appoint supervisory staff in vacant positions as long as they are authorized by the Office of Management and Budget ("OMB") and / or the Secretary of the Interior. PRPD requested and obtained authorization from OMB to fill out vacant positions within the ranks. On February 27,

2015 a ceremony was performed in order to start this process. The list of vacant positions filled is provided on the next page:

<b>PUERTO RICO POLICE DEPARTMENT VACANT POSITIONS CEREMONY February 27, 2015</b>		
<b>Actual Rank</b>	<b>Vacant Position</b>	<b>Quantity of Vacant Positions filled</b>
<b>Agent</b>	Sergeant	118
<b>Sergeant</b>	Second Lieutenant	44
<b>Second Lieutenant</b>	First Lieutenant	24
<b>First Lieutenant</b>	Captain	9
<b>Captain</b>	Inspector	31
<b>Inspector</b>	Commandant	25
<b>Commandant</b>	Lieutenant Colonel	10
<b>Total Vacant Positions filled</b>		<b>261</b>

13. PRPD filled some of the vacant positions in the ranks of Sergeant through Captain by the process of written examinations that were administered prior to the Agreement and the appointment of the TCA. The rest of the vacant positions that were filled were within the ranks of Inspector to Lieutenant Colonel, which were made taking into account the merits of each PRPD member, a disciplinary record in good standing, and in compliance with equal opportunity employment principles.

14. *Promotions:* To continue the process of filling the rest of the vacant positions within the ranks of Sergeant through Captain, on February 25, 2015, the Superintendent of the PRPD created a new Examination Board for Promotions. PRPD through the Examinations Board will carry out processes of selection of supervisors in a lawful, fair and consistent manner with the applicable laws and with generally accepted police practices. The TCA is an active participant of the Board in accordance with the Agreement.

#### **B. Use of Force (Chapter IV of the Agreement)**

15. *Use of Force and Reportable Use of Force:* PRPD revised its provisional policies of the General Order 601 "Rules of Use of Force by Puerto Rico Police Members" and the

General Order 605 “Report and Investigation of Use of Force Incidents by Puerto Rico Police Members and sent them to the TCA and DOJ for their approval as final policies on April 30, 2015. The revised version includes comments and suggestions that the TCA and DOJ made of the provisional policies.

16. *Use of Force Training:* Use of Force Training is divided in two (2) courses of sixteen (16) contact hours each. One course is for PRPD members (RUF-1001) and the other course is for supervisors (RUF-1002). The courses are being offered by certified instructors in use of force. In addition, these instructors have the Instructor Development course provided by the Deputy Superintendence in Training and Education (hereinafter “SAEA” or “PRPD Academy”), a compulsory course to ensure that the training is being given by qualified personnel. As of May 1<sup>st</sup>, 2015, the PRPD has trained two hundred nine (209) PRPD members assigned to ZOE's about the content of the provisional policies General Order 601 "Rules of Use of Force by Puerto Rico Police Members" and the General Order 605 “Report and Investigation of Use of Force Incidents by Puerto Rico Police Members”. Additionally, PRPD has trained four hundred thirty two (432) PRPD from the Task Forces and six hundred forty nine (649) PRPD members including the last Cadets of Class 223, and PRPD members assigned to the Field Training Officers (FTOs), the United Forces for Rapid Action (FURA), and SWAT team, among other divisions. It is projected that once the Use of Force policies (General Orders 601 and 605) are approved as final by the TCA and DOJ, the courses will be reviewed by the PRPD Academy Committee to align them with the final policies and provide in-service training to all PRPD member.

17. *Annual report on Use of Force incidents:* On January 29<sup>nd</sup> 2015, pursuant General Order 605 the Deputy Superintendence of Professional Responsibility (SPR) submitted

an annual report to the Superintendent and the Office of Reform of the use of force incidents for the year 2014. The annual report shows information on cases of use of force reported in 2014 as is shown in the image below:

CASOS RECIBIDOS EN LA SUPERINTENDENCIA AUXILIAR EN RESPONSABILIDAD PROFESIONAL	
Área de San Juan	20
Área de Arecibo	34
Área de Ponce	26
Área de Bayamón	41
Área de Mayagüez	36
Área de Caguas	23
Área de Humacao	5
Área de Carolina	24
Área de Guayama	0
Área de Aguadilla	50
Área de Fajardo	26
Área de Utuado	52
Área de Aibonito	41
<b>378</b>	

18. *Equipment to report on use of force incidents:* PRPD began the acquisition process of six hundred and fifty (650) portable radios for police communications. The radios will be distributed as follows; three hundred (300) to the Deputy Superintendent of Criminal Investigations (SAIC), two hundred (200) for the Arecibo Area and one hundred fifty (150) for the Transit Bureau. The acquisition of this portable radio is vital to keep supervisors informed in situations of serious use of force o excessive use of force incidents, so they can report to the scene immediately.

19. *Use of Firearms:* General Order 2004-3 "Standards and Procedures for the use, Carrying, Maintenance, Change, Occupation, Reallocation and Provision of the Service Weapons of the PRPD", has been amended in its entirety and submitted to the TCA and DOJ for their approval. The new General Order that will repeal the aforementioned, will be titled "Use and

Handling of Service Weapons" and it will be included in Chapter 600 of the general orders classification system. In addition, PRPD created new forms in accordance with the Agreement that were also provided to the TCA and DOJ. At the present time, PRPD is incorporating the TCA and DOJ's suggestions into the revised order and forms. As for the qualification training with Regulation Firearms, on 2014 more than eleven thousand two hundred (11,200) PRPD members have taken the shooting qualification training. On 2015, as of May 1st, 2015, more than six thousand five hundred (6,500) PRPD members have taken the shooting qualification training. The shooting qualification training is divided in two (2) courses. The first course includes shooting qualification training on daylight, shotgun, and stress. The second course includes shooting qualification on nighttime and rifle.

20. *Electronic Control Weapons:* General Order No. 602 titled "Use and Management of Electrical Control Weapon" was revised pursuant to the Agreement and signed by the Superintendent on April 10, 2015 after it was approved by the TCA and DOJ. The revised version incorporated Form Number 892 titled "Log for the Use of the Electric Control Weapon" to ensure that the use of this less lethal weapon is being monitored. As of May 1st, 2015, PRPD have trained and certified five thousand five hundred eighty eight (5, 588) PRPD members, and four hundred and forty five (445) members have been recertified in the use and management of the electronic control weapon. These numbers include PRPD members from the Task Forces and the ZOE's. Additionally, two thousand (2,000) electronic control weapons that were acquired last year were just received and distributed in the Areas on March 4-5,2015 in the following manner:



<b>ELECTRIC CONTROL WEAPONS ASSIGNED</b>				
Areas	Superintendence, Areas, and others Units	Auxiliary Superintendence in Criminal Investigations	Traffic Divisions in the Areas	Sub total
Aguadilla	114	19	10	143
Aibonito	114	9	10	133
Arecibo	133	9	10	152
Bayamón	152	3	16	171
Carolina	132	20	19	171
Caguas	133	9	11	153
Fajardo	100	6	15	121
Humacao	114	11	19	144
Guayama	114	23	15	152
Ponce	152	2	0	154
Utua	120	6	7	133
Mayagüez	114	12	10	136
San Juan	157	42	6	205
Reforma	12			12
Escorts	3			3
Replaced	3			3
Mounted Police	5			5
*SAPF	8	*Governor PRPD		8
SPR	1			1
Subtotal	1,681	171	148	2,000

21. *Impact Weapons*: The revised version pursuant to the Agreement of General Order No. 603 “Use and Management of Impact Weapons” was approved by the TCA and DOJ and signed by the Superintendent on January 31, 2015. Before January 31<sup>st</sup>, 2015, PRPD trained ten thousand four hundred seven (10,407) PRPD members including members of the Task Forces and the ZOE's. After the revised policy was signed, the training course was amended and started on March 23, 2015. As of May 1<sup>st</sup>, 2015, seven hundred forty five (745) PRPD members have been recertified with the revised policy. The training is being offered by fifty-seven (57) certified instructors in the police areas.

22. *Chemical Agents:* The PRPD finalized the review of the General Order No. 604 "Use and Management of Chemical Agents" under the Agreement. The TCA and DOJ approved this policy after their suggestions were considered and it was signed by the Superintendent on March 27, 2015. Seven thousand (7,000) pepper sprays Sabre Red in Gel with ten percent (10%) of oleoresin capsicum were acquired and are being distributed as PRPD members take and approve the course. The pepper sprays that were acquired causes no permanent damage to the skin or the eyes and it is not flammable. Each unit has a unique identification number when it is assigned to PRPD members. The three hundred fourteen (314) class of cadets were trained on this new policy and each cadet received a pepper spray. Additionally, training to the task forces on this policy is set to start in May, 2015.

23. *Other Use of Force related policies in progress:* PRPD has developed draft policies on the use of canines, specialized tactical units (STU's) and crowd control and incident management.

24. *Force Review Boards:* PRPD developed a policy for the Force Review Boards and sent it to the TCA and DOJ for their approval. The TCA and DOJ submitted their recommendations and there are being evaluated and incorporated into the policy to finalize the same.

25. *Force Investigation Units (FIUs):* The FIUs continue to investigate use of force incidents in accordance with the Use of Force policies (General Orders 601 and 605). PRPD is amending the policy of SPR to include the duties and responsibilities of the FIUs in accordance with the Agreement and the use of force policies. A FIUs Manual to ensure that proper investigation methods are followed is underway. FIUs members are being provided with proper training to conduct their investigations. Two (2) charts are provided below to show the progress

of the FIUs. The first chart shows the training progress of FIUs members as of May 1<sup>st</sup>, 2015.

The second chart provides the incidents that have been investigated by the FIUs members as of May 1<sup>st</sup>, 2015.

<b>FORCE INVESTIGATION UNITS (FIU'S) TRAINING (25 PRPD Members)</b>	
<i>Training</i>	<i>Amount Trained</i>
Service Weapon Nighttime and Rifle Training	20
Electric Control Weapon	24
Use of Force	5
Impact Weapons (Baton)	25
Blood Pathogens	2
Instructor Development Course	3
Suicide Prevention	20
PRPD Use of Force Form PRPD-854 Orientation	25
Hostage Negotiator Training	2

<b>USE OF FORCE INCIDENTS INVESTIGATED BY THE FIUS 2015 DEPUTY SUPERINTENDENCE IN PROFESSIONAL RESPONSIBILITY</b>						
Use of Force Cases	Level I	Level II	Level III	Level IV	Total	Observations
San Juan	0	0	1	1	2	
Bayamon	0	4	8	0	12	
Carolina	0	3	1	0	4	
Fajardo	0	3	0	0	3	
Humacao	0	0	0	0	0	
Caguas	0	4	4	2	10	
Guayama	1	3	0	0	4	
Aibonito	5	0	1	1	7	
Ponce	10	2	1	0	13	
Utua	1	4	1	0	6	
Mayaguez	5	5	2	0	12	
Aguadilla	2	6	4	0	12	
Arecibo	0	2	1	0	3	
<b>TOTAL</b>	<b>24</b>	<b>36</b>	<b>24</b>	<b>4</b>	<b>88</b>	

### **C. Searches and Seizures (Chapter V of the Agreement)**

26. *Voluntary Contacts*: On April 30<sup>th</sup>, 2015, PRPD sent to the TCA and DOJ for their review a policy on Voluntary Contacts. The purpose of this policy is to promote voluntary contacts between PRPD members and the communities which can be ended at any moment by a person and distinguish those contacts from Terry Stops (Investigatory Stops), to ensure that PRPD members are not conducting these types of seizures for investigative purposes based on reasonable suspicion. PRPD directed its members not to conduct Terry Stops as of August 27, 2014. PRPD is waiting for the input of the TCA and DOJ to approve the policy on Voluntary Contacts.

27. *Searches and Seizures*: PRPD sent the forms developed in accordance with General Order 612 "Authority of the Puerto Rico Police to Conduct Searches and Seizures" to the TCA and DOJ for their approval. Their recommendations to the forms were incorporated and the new versions of the forms will be available once the provisional policy, General Order 612, is revised and sent to the TCA and DOJ as final, in accordance with the schedule.

28. *Searches and Seizures Training*: The PRPD Academy started training on this provisional policy at the beginning of 2015 and as of May 1<sup>st</sup>, 2015, seven hundred forty three (743) PRPD members, including members from the Task Forces, have been trained.

29. *Data Collection on Searches and Seizures*: Through an exchange project using of computer technology, PPRD is creating create an interphase between the Integrated Criminal Record or "RCI" (for its Spanish acronym of "Registro Criminal Integrado") of the PRDOJ and the PRPD, to send information about criminal investigations and update the criminal records of the Commonwealth of Puerto Rico registered in that database. This will assist PRPD in the development of a system to collect data on all searches and seizures.

30. *Arrests*: The General Order 615 "Police Authority Puerto Rico to Conduct out Arrests and Subpoenas" was approved by the TCA and DOJ and signed by the Superintendent and on February 27, 2015. This policy repeals its predecessor, General Order 98-16 in its entirety. New forms were created and sent to the TCA and DOJ for their approval. Their recommendations were evaluated and incorporated.

31. *Arrests Training*: The PRPD Academy began training on this policy on April, 2015. As of May 1<sup>st</sup>, 2015, PRPD have trained four hundred twenty four (424) PRPD members from the Task Forces.

32. *Equipment*: The six hundred and fifty (650) portable radios that PRPD acquired and is expecting to distribute, will also allow communications between PRPD members and their supervisors. As a result, the supervisors will be able to report to the scene in accordance with PRPD policy and the Agreement.

#### **D. Equal Protection and Non-Discrimination (Chapter VI of the Agreement)**

33. *Vehicular Interventions (Equal Protection)*: The PRPD has drafted, approved, signed and published the Administrative Order Number OA-2015-1-IV, Vehicular Interventions (Intervenciones Vehiculares). This policy states that all vehicular interventions made by PRPD police officers, will be performed in a respectful and professional manner. In addition, it establishes that PRPD police officers are committed to providing services and enforcing laws in a professional, nondiscriminatory, fair, and equitable manner. The policy was approved by the TCA and DOJ and it was signed by the Superintendent on March 31, 2015. As of May 1st, 2015, three hundred twenty (320) PRPD members and one hundred forty six (146) PRPD members assigned to the task forces have discussed said policy at the monthly meetings. As a control measure, supervisors have been ordered to submit evidence of the discussion of the

policy to the Reform Office. By June 5, 2015 all PRPD members assigned to the Task Forces shall have knowledge of the equal protection and non-discrimination principles that are established in this policy.

34. *NIBRS*: PRPD created a Collaborative Panel of Experts to discuss the NIBRS program and the existing General Order 2000-3, Controls on the Use, Distribution, Filing and Final Dispositions of the Incident Report [NIBRS] of the Puerto Rico Police Department (Controles sobre el Uso, Distribución, Archivo y Disposición Final del Informe de Incidente [NIBRS] en la Policía de Puerto Rico). On April 9, 2015, this panel of experts submitted their comments and suggestions on the existing General Order 2000-3. Said comments and suggestions were submitted according to the requirements of the Agreement and the best police practices. A new draft policy is being developed in accordance with the Agreement, the collaborators' suggestions and best police practices.

35. *Equal Protection and Non Discrimination for the Homeless Community*: PRPD organized and offered a training in collaboration with the “Fondita de Jesus”, a nonprofit organization that advocates for better conditions and treatment for the homeless community, on the subject of Equal Protection and Non Discrimination for the Homeless Community. This training was offered during the months of February and March of 2015, to the cadets of the class 223 at the Academy of the PRPD. The training consisted of four (4) contact hours and, as a prerequisite to take the class POL 1010, Civil and Constitutional Rights. The organization “Fondita de Jesús” also collaborated in the development of the training materials.

36. *Hate Crimes and Civil Rights*: The PRPD and the Civil Rights Commission of Puerto Rico are negotiating a Memorandum of Understanding between the two parties to coordinate a voluntary, cooperative effort to develop and implement training on the subject of

Hate Crimes and a Curriculum on Civil Rights. The Community Relations Service of the United States Department of Justice provided guidance in these matters. The draft of this Memorandum of Understanding states that this collaboration will include assistance from The Civil Rights Commission of Puerto Rico in the development and sustainment of the in-service curriculum to improve Hate Crimes' training and the knowledge of civil rights laws for PRPD members.

37. *Abuse and Mistreatment in Juvenile Correctional Facilities:* The PRPD drafted an official communication which was sent to the Puerto Rico Family Department and PRDOJ requesting collaboration for the achievement of Requirement 92 of the Agreement. The main purpose of this communication was to request the contact information of the proper liaisons of the concerned agencies that will work in collaboration with PRPD to ensure that the investigation report was prepared and received in accordance with the Agreement. On April 17, 2015, the Secretary of the PRDOJ, appointed an Assistant District Attorney to serve as liaison in this endeavor. PRPD is waiting for the appointment of the liaison of the Puerto Rico Family Department to start the compliance process of this requirement of the Agreement.

38. *Harassment, Discrimination and Retaliation:* The PRPD drafted a policy on the subject of harassment, discrimination and retaliation, including both regulations within the Agency and non-biased police practices. The policy entitled Regulations for the Prevention of Harassment, Discrimination and Retaliation of the Puerto Rico Police Department (Reglamento para la Prevención de Hostigamiento, Discrimen y Represalias de la Policía de Puerto Rico). Said policy was presented to the TCA and DOJ on March 31, 2015. The TCA Core Team handed in their recommendations and the policy was further discussed and more recommendations were given from the DOJ and TCA Team in a meeting held in the Reform Office on April 17, 2015. As a result of this meeting, the Policies and Procedures Division of the Reform Office is in the

process of dividing the policy submitted into two regulations: (a) Internal Regulation for the Prevention of Harassment, Discrimination and Retaliation in the Puerto Rico Police Department (Reglamento Interno para la Prevención de Hostigamiento, Discrimen y Represalias de la Policía de Puerto Rico); and (b) Regulation for the Establishment of Police Practices Free of Discrimination, Harassment, Improper Sexual Conduct and Retaliations of the Puerto Rico Police Department (Reglamento para el Establecimiento de Prácticas Policiacas Libres de Discrimen, Hostigamiento, Conducta Sexual Impropia y Represalias). These policies are being drafted conforming to paragraphs eighty (80) and eighty-one (81) of the Agreement

39. *Domestic Violence*: PRPD created a Collaborative Panel of Experts to discuss the current policy on domestic violence. These experts submitted their comments and suggestions on the existing policy from the PRPD. Said comments and suggestions were submitted according to the requirements of the Agreement and the best police practices.

40. *Domestic Violence Training*: PRPD, through the PRPD Academy, has been working to meet the training requirements on these important matters. A collaboration agreement was created by PRPD and the Women's Advocate Office to that effect. This collaboration agreement resulted in a workshop that was offered from February 24 to 26, 2015, and on March 11, 2015 by the aforementioned office on the aspects of biopsychosocial on domestic violence to the cadets of graduated Class 223. A workshop was also offered by the Women's Advocate Office to the Domestic Violence Division Directors on the aspects of biopsychosocial on domestic violence on February 19, 2015. Additionally, a thirty two (32) hours contact course was created on the aspects of psychosocial, legal and research, in the investigation of domestic violence cases with their respective training materials. Educational materials and dynamics were incorporated into the course with the ultimate goal of strengthening their investigative skills in



identifying appropriate lethal levels, with the aim of increasing the security and protection of domestic violence survivors. In addition, emphasis was put on the investigative and legal due process with domestic violence incidents where the victim is and undocumented person or is a member of the LGBTTIQ community.

**E. Recruitment, Selection, and Hiring (Chapter VII of the Agreement)**

41. *PRPD Recruitment Requirements for Aspiring Cadets:* PRPD reviewed the requirements for aspiring cadets. Candidates are currently being submitted to psychological and medical examinations as well as the polygraph test. PRPD published on its official website the entry requirements for candidates to cadets in the recruitment section.

**F. Policies and Procedures (Chapter VIII of the Agreement)**

42. *Homicide Manual:* PRPD developed a draft manual of police operations in homicide investigations in accordance with best police practices. The purpose of this manual is to serve as a guide and gives a consonant structure in the development of the homicide investigations through the fourteen (14) Homicide Divisions of the PRPD. The draft is currently under review to ensure it is in accordance with the provisions of the Agreement, the applicable laws and the Report issued by the Bureau of Justice Assistance on January 2014 titled: “An Assessment of the Puerto Rico Police Department Homicide Investigations: Recommendations for Best Practices”.

**G. Training (Chapter IX of the Agreement)**

43. *Training Facilities:* The PRPD Academy facilities consists of the Academy of the PPRD in Gurabo and four (4) shooting ranges (Isla de Cabras, Gurabo, Cabo Rojo, and Arecibo). Improvements to these physical facilities of the PRPD Academy have been made and are described below:

- a. PRPD began the repairs of the roof of the Amphitheatre of the PRPD Academy in Gurabo. New seats and carpets are in the process of being installed. Also, repairs and replacements were made to the interior lighting, sound and audio visual equipment in the Amphitheatre. The final phase of the repairs to the Amphitheatre is the painting of the structure.
- b. New equipment was acquired for the kitchen, dining, and gym areas at the PRPD Academy in Gurabo. The water drinking fountains were replaced in the facilities. Air conditioning units were replaced in the shooting range, the gym and in the Office of Physical Efficiency.
- c. The Criminal Investigation School of the PRPD Academy in Gurabo is in the process of being renovated.
- d. Maintenance was provided to the three (3) basketballs and tennis courts in the PRPD Academy in Gurabo.
- e. Part of the cadets dormitory facilities in the PRPD Academy in Gurabo were renovated including the bathrooms.
- f. Improvements and repairs to the electrical system were made in the PRPD Academy in Gurabo to promote energy saving.
- g. In the shooting range of "Isla de Cabras" located in San Juan, courts numbers 2 and 3" were reshaped and the systems of cards for target practice were improved. Improvements were also made to the vehicular access and to the electrical system.
- h. In the shooting range of Gurabo new target practice equipment was acquired.
- i. The wireless network access in the library was expanded two (2) wireless network antennas. A classroom was equipped with thirty (30) computer stations. A new

project to acquire access licenses to create virtual law libraries and repositories of information for research and study is being discussed.

44. *Qualified Trainers and Instructors:* The Course for the Development of Instructors was created by the PRPD Academy. This course consist of eighty (80) contact hours and is a requirement to all trainers and instructors in the PRPD Academy. As of May 1<sup>st</sup>, 2015, sixty four (64) instructors and trainers have received the training.

45. *Pre service Training:* On March 27, 2015, PRPD conducted the graduation ceremony of class number two hundred and twenty-three (223). This is the first class that received pre-service training in accordance with the Agreement. Three hundred twelve (312) new recruits graduated from the PRPD Academy and were sent to the Field Trainer Officers' Program that consist of eight hundred (800) hours in accordance with the Agreement. The new recruits received less-lethal weapons (impact weapon, electric control weapon and pepper spray) after approving the applicable training.

46. *Pre-Service Curriculum:* Pursuant to the requirements of the Agreement, the PRPD Academy completed the revision process of the curriculum for cadets on April, 2015 to ensure consistency, quality and compliance with the applicable laws. The American Civil Liberties Union (ACLU) was provided with the curriculum and issued recommendations which were considered in the revision process.

47. *Field Training Officers (FTOs):* The FTO Program started with the recently graduated cadets' class 223. The PRPD Academy created a training course for FTOs of eighty (80) contact hours that FTO candidates were required to approve. The trainings were offered from December 2<sup>nd</sup>, 2015 to March 27, 2015. PRPD developed an FTO Manual and on March

26, 2015 the Superintendent of the PRPD approved and signed the same. Evaluation forms were created in compliance with the Agreement. The Manual was approved by the TCA and DOJ.

48. *Seminar on the Agreement:* Of February 26, 2015, PRPD's Reform Office provided a seminar to the District Attorneys of the PRDOJ on the Agreement. The Secretary of Justice and the Governor's Office participated in said seminar. Furthermore, on April 27, 2015, PRPD's Reform Office trained around fifty (50) PRPD members assigned to the Deputy Superintendence in Criminal Investigation. The Deputy Superintendent of Criminal Investigation, the Director of the Task Forces, among other high ranking officials participated in the seminar.

#### **H. Supervision and Management (Chapter X of the Agreement)**

49. *Supervisory Training:* The PRPD has provided training in two (2) sessions on the subject of Equal Employment Opportunity ("EEO"), based on PRPD policies, federal laws and the laws of the Commonwealth of Puerto Rico. The first session was held on January 19 to January 23 of 2015, and was offered to ten (10) colonels, twelve (12) lieutenant colonels and two (2) Auxiliary Superintendents. The second session was held on January 26 to January 30 of 2015, and was offered to PRPD members with Commander and Inspector ranks. This training was offered by HRLM & Associates, an external source. Among the matters that were covered in the first session of training (January 19 to January 23 2015) are: Principles of Ethics in Administration and Supervision, The Prevention of Sexual Harassment in the Workplace, Laws and Executive Orders: Immigrant Rights, Effective and Correct Communication 1: Domain Lexicon in Writing and Effective Communication in Management: Leadership High Impact Transformer. Among the matters that were covered in the second session of training (January 26 to January 30 2015) are: Review of Law in the Context of Law and Order: arrests, rules of

evidence and records according to the fundamental constitutional rights, Police Leadership and Strategic Management, New Policies around the Discrimination, Protective Legislation of Special Populations, Effective Communication and Right II : media attention, social networks, professional projection and domain of vocabulary in verbal communication, Complainant Protection, The Criminal Responsibility for the Breach of Duty: new amendments to the Criminal Code of 2012 and Civil Rights: civil liability under federal law.

**I. Civilian Complaints, Internal Investigations, and Discipline (Chapter XI of the Agreement)**

50. *Reorganization of the Deputy Superintendence of Professional Responsibility (SPR)*: PRPD created a draft pursuant to align the organization, duties, and responsibilities of SPR in accordance with the Agreement. This draft will be submitted to the TCA and DOJ for their review on or before June 30, 2015.

51. *Code of Conduct, Discipline, and Discipline Matrix*: On February 27, 2015, PRPD submitted to the TCA and DOJ the PRPD members' Code of Conduct. This Code, along with the Discipline Guidelines and a Discipline Matrix will constitute an amendment to Articles 14.3, and 14.5 of the PRPD Personnel Regulation No. 4216. The TCA and DOJ provided their suggestions to the Code of Conduct and they will be evaluated and incorporated in the proposed amendment that will be ready for review of the TCA and DOJ on or before October 31<sup>st</sup>, 2015.

52. *Involuntary Searches and Seizures Placard*: PRPD finalized a placard in both English and Spanish languages informing a person's right to be free from involuntary searches and seizures and his right not to consent to voluntary searches. The placard was developed in

collaboration with community stakeholders and was approved by the TCA and DOJ. The placard was sent to be distributed to all police facilities.

53. *Civilian Complaints Investigations:* The Director of the PRPD Legal Affairs Office, continues with her work plan to reduce the administrative complaints pending legal evaluation (backlog). On November 30, 2014, PRPD reported that the back log in administrative complaints pending investigations in the Legal Affairs Office, was one thousand eight hundred twenty-six (1,826). As of May 1<sup>st</sup>, 2015, the back log has been reduced to one thousand ninety four (1,094) complaints. On the other hand, PRPD reported that on November 30, 2014, SPR had nine hundred forty-five (945) complaints pending for investigation. As of May 1<sup>st</sup>, 2015, the back log has been reduced to six hundred eighty four (684) complaints. From January 1<sup>st</sup>, 2015 to May 1<sup>st</sup>, 2015, SPR has investigated five hundred eight (508) complaints.

54. *SPR Staff Training:* On April 28, 2015, as part of the continued education to SPR staff, training to the entire division of the Administrative Investigations Bureau was provided on proper investigation techniques, sufficiency of the investigation findings and the notification process of the resolution of charges to PRPD members that incur in misconduct. Over sixty (60) PRPD members from said division were trained.

## **J. Community Engagement and Public Information (Chapter XII of the Agreement)**

55. *Seminar of the Reform Agreement to the Puerto Rico Civil Rights Commission:* As part of the collaboration relationship that PRPD has created with the Puerto Rico Civil Rights Commission, on February 13, 2015, PRPD's Reform Office provided a seminar on the Agreement to the Board of Directives of the Puerto Rico Civil Rights Commission. Further collaboration efforts between the Commission and the PRPD Academy are ongoing.

56. *Community Policing*: PRPD's Reform Office provided a workshop for the Superintendent, the Area Commanders and the Deputy Superintendents on the creation, and necessary documentation for the development of Community Partnerships. This workshop was provided on February 25, 2015.

57. *Citizen Interaction Committees (CICs)*: On March 31<sup>st</sup>, 2015 PRPD sent to the TCA and DOJ the proposed draft of the Citizen Interaction Committees Policy for their review. This policy establishes a new and more open selection of the members of the CICs. PRPD is waiting for the recommendations of the TCA and DOJ to finalize the policy. The current members of the Central CIC and the CICs from the Areas continue to exercise their duties and prepared a work plan for 2015.

58. *Collaboration with the American Civil Liberties Union (ACLU)*: As part of the collaboration efforts that PRPD has created with the ACLU, on April 29, 2015, the ACLU Director of the Puerto Rico Region, William Ramirez provided a seminar on "Constitutional and Community Perspective in Law Enforcement" to over two hundred (200) PRPD members of different ranks. The Deputy Superintendents, the Area Commanders, all the Division Directors of the Deputy Superintendence of Criminal Investigations, and the Directors of the Tactical Operations Units participated in the seminar.

59. *Open Meetings*: PRPD completed the revision of the Guide for the Open Meetings pursuant to the Agreement. The future open meetings will be carried out according to the revised Guide for the Open Meetings. A workshop was offered on this new Guide to the Deputy Superintendents and Area Commanders on February 25, 2015. PRPD's Reform Office continues to monitor all open meetings. On 2014, PRPD held thirty (30) Open Meetings within the thirteen (13) police areas with over four thousand one hundred and eighty three (4,183) participants from

the communities. As of May 1<sup>st</sup>, 2015 five (5) Open Meetings have been held with three hundred and thirty (330) participants from the community.

60. *Reforma Te Informa*: PRPD has created three (3) booklets titled “Reforma Te Informa”. These documents are now available to the public and the PRPD personnel. The booklets contain general information about the Reform process, objectives, research, the eleven (11) Areas of Compliance of the Agreement, the TCA, and the Citizen Interaction Committees. These booklets are available in the PRPD webpage.

61. *Public Information*: PRPD announced in a press conference held on February 5, 2015, the availability to the public of the first (1st) Progress Report of the Reform of the PRPD filed in the United States Court for the District of Puerto Rico on December 5, 2014. Also, PRPD held a meeting on March 11, 2015 with Ronald Campos known as "Ronny the Hyper" a public figure, radio and TV host, to begin a public information campaign about the PRPD Reform process and the Agreement.

62. *First Public Hearing*: On April 16, 2015, PRPD participated in the first public hearing as required by Court Orders (See Dockets No. 206 and 214) regarding Community Engagement, the Academy, and the reform Budget. This Honorable Court and the DOJ were very pleased with PRPD’s progress so far. The next public hearing is set for September 24-25, 2015 at Ponce, Puerto Rico. (See Docket No. 224).

63. *Community Engagement*: As part of the community engagement initiatives and keeping the communities informed on the PRPD’s reform progress, during Police Week celebrated from February 16-22 2015, PRPD had informative booths at Plaza Las Americas of different PRPD divisions that included but were not limited to the Reform Office, SWAT, FURA, Transit, K-9s, Administrative Investigations, Drugs and Alcohol Divisions.



Approximately four thousand two hundred persons (4,200) actively engaged with PRPD members to inquire questions and receive information on different matters that included: the Reform process, the Agreement, DOJ's report findings, domestic violence and sexual assaults prevention, how to avoid being a crime victim, prevention of animal cruelty, alcohol abuse, drug abuse prevention, commendation form (PRPD Form-888), the administrative process filing complaints and PRPD complaint Form No. 111.

64. *Community Councils of Safety ("Consejos Comunitarios de Seguridad")*: On March 21, 2015 the PRPD held the Annual Conference for the Community Councils of Safety members in Caguas. Two thousand six hundred seventeen (2,617) council members participated in the conference.

65. *Police Athletic League ("Liga Atletica Policiaca")*: On April 25, 2015 the PRPD held the Seventy Two (72) Anniversary of the Police Athletic League in Bayamón. Over two thousand six hundred (2,600) league members participated in the activity. As of May 1<sup>st</sup>, 2015, the Police Athletic League has over eleven thousand (11,000) members.

#### **K. Information Systems and Technology (Chapter XIII of the Agreement)**

66. *Data Communications Network*: The acquisition process for the management and monitoring services of the infrastructure of the data communications network began. This is vital for the implementation of the [REDACTED] email system project and for the development of a secure Access Point Name (APN) network, which is implemented by the Computer Aided Dispatch (CAD) Mobile Project. This infrastructure supports five hundred (500) laptops for PRPD members' use in their daily-based duties. The service will ensure that the internal network infrastructure of the PRPD remains in operation twenty-four (24) hour, seven (7) days a week.

Other computer and network equipment was purchased to give support to the secure network (APN) for the CAD Mobile. The addition of this service and equipment is important to keep up to date the PRPD information technology and communications systems, which contributes to the progress for compliance with the Agreement on several areas of compliance (Use of Force, Searches and Seizures, Equal Employment and Non Discrimination, Supervision and Management, Civilian Complaints, Internal Investigations, and Discipline, among others).

67. *Technology Centers*: The infrastructure improvements in the Technology Center of the Area Headquarters of [REDACTED] was completed. Technology Centers in the [REDACTED] [REDACTED] are still in the process of being developed.

[REDACTED] *Data Back Up System*: The PRPD has acquired two (2) additional data repositories to safeguard all PRPD data. [REDACTED]  
[REDACTED]  
[REDACTED]

69. *Computer Aided Dispatch (CAD)*: The CAD Mobile System for Patrol vehicles and their vehicles hardware are expected to be assembled by June 2015.

70. [REDACTED]: This program provides email accounts to all PRPD employees. It has been deployed and the migration of the accounts are about a ninety percent 90% completed, with an expected full migration date as for June 2015.

71. *Extending the Bandwidth for Data Transmission*: PRPD has acquire an additional line of one hundred and fifty megabytes (150MB) to enhance the data communication network and the services provided by the agency.

72. *PRPD Web Portal*: The new PRPD's website is already deployed and published. This website has a section exclusively for the reform and progress of the implementation of the Agreement.

73. *PRPD Enterprise Mobility Management Software*: This software is in a testing phase to add a security feature necessary to protect the content, applications and email for PRPD mobile devices, in case of lost or stolen.

74. *Integrated Criminal Record (RCI)*: The PRPD Technology Division is developing a module that will allow direct entry of criminal information into the PRDOJ system, which is linked to the Criminal Information Justice System (CIJS). This upgrade in technology will allow PRDOJ to review information and evidence in criminal cases as soon as it is entered into the system by PRPD. This module is in testing phase and will be implemented soon.

#### **IV. PRPD'S RESPONSE TO CONCERNS RAISED BY THE TCA IN THEIR SIX MONTH REPORT JUNE 6, 2014-DECEMBER 6, 2014 (DOCKET 203)**

75. *TCA's concerns of the physical facilities of the PRPD Academy (See Page 23 of the TCA's Six Month Report, Docket 203)*: PRPD was aware that the physical facilities in the PRPD Academy in Gurabo needed attention. Before the TCA filed their first report, PRPD already started the process required by law to hire the services and acquire necessary equipment to make those improvements. In these six (6) months PRPD have made good progress to improve the physical facilities of the Academy. To that effect, see Section III (G), Paragraph forty (40) of this Report.

76. *TCA's recommendation to pay incentives to the FTOs (See Page 25 of the TCA's Six Month Report, Docket 203)*: PRPD agrees with the TCA that the FTOs should be given incentives for the special service that they provide. As an incentive to the FTOs who take

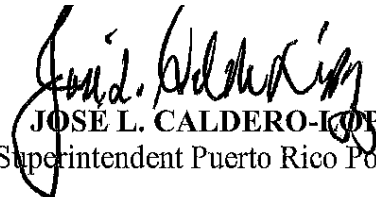
promotion exams, the Superintendent through memorandum number OS-1-2-13-emvs of March 4, 2015, implemented that they should be granted five (5) points or five percent (5%) in the final grade, whichever is greater. The award of these five (5) points or five percent (5%), whichever is greater, shall be governed by the same provisions that regard to scores by veterans, therefore they will be added, only when the applicant has approved the examination for promotion.

## **V. CONCLUSION**

PRPD continues to improve its policies and procedures as part of its role in protecting and serving all residents of the Commonwealth of Puerto Rico. While the reform process is a lengthy and difficult undertaking, PRPD continues to evolve and adapt better methods of conducting its law enforcement mission. PRPD thanks the DOJ, and the TCA and his Core Team for their collaboration and assistance in its reform efforts. The aforementioned progress shows that a collaboration environment is allowing PRPD to achieve achieving its noteworthy goals. PRPD members will continue to strive to provide better services to the community they are sworn to protect and serve.

I hereby certify under penalty of perjury under 28 U.S.C. § 1746 and any other applicable law of United States of America, that the foregoing report and information is true and correct.

Executed on San Juan, Puerto Rico, on this 18<sup>th</sup> day of May, 2015.

  
**JOSE L. CALDERO-LOPEZ**  
Superintendent Puerto Rico Police

RESPECTFULLY SUBMITTED.

IT IS HEREBY CERTIFIED that on this same date, the foregoing was submitted to the Attorney General of Puerto Rico: César Miranda; the Technical Compliance Advisor: Arnaldo

Claudio; to the Attorney General Office of the United States: Eric Holder and the attorneys of record, and that the foregoing was notified this 18<sup>th</sup> day of May 2015, to all attorneys of record.

**CESAR MIRANDA RODRÍGUEZ**  
Secretary of Justice

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